

IN THE BOARD OF PORT COMMISSIONERS
FOR THE PORT OF ASTORIA

ORDINANCE	)	AN ORDINANCE AMENDING
	)	ORDINANCE 99-01 AND
NO. 2003-01	)	PROHIBITING BOATHOUSES
	)	
	)	

The Board of Commissioners of the Port of Astoria ordains as follows:

SECTION 1. SHORT TITLE

This ordinance shall be entitled and shall be known as the "Ordinance Amending Ordinance 99-01 and Prohibiting Boathouses".

SECTION 2. PURPOSE

The purpose of this ordinance is to protect and provide safe moorage for vessels within Port marina facilities. The marina float systems were not engineered for structures with the weight and sail area of boathouses. Thus, the floats and piling have been, and are being, seriously damaged from boathouse moorage. Boathouses must be moved for dredging which is an expense and risk to the Port that it is not in the public interest for the Port to assume. The boathouses present safety concerns in high winds. Two boathouses have previously blown out of the marina into the Navigation channel and another disintegrated in a windstorm in January 2000. Roof panels and doors blew off some boathouses and onto vessels and port property in recent windstorms. The primary purpose of port marina facilities is to provide vessel moorage. With the increase in vessel activity in the lower Columbia River, the Port must turn away customers. The addition of the 15 berths now filled by boathouses will provide additional capacity.

SECTION 3. CONFORMANCE OF STATE LAW

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule, or regulation of the Port of Astoria.

SECTION 4. INCONSISTENT PROVISIONS

This ordinance shall supersede, control and repeal any inconsistent provision of any Port of Astoria ordinance as amended or any other regulations made by the Port of Astoria.

SECTION 5. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.

SECTION 6. AUTHORITY

This ordinance is adopted pursuant to ORS 777.190 and ORS 198.510 et seq.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect on the 30th day following adoption by the Board of Port Commissioners as provided in ORS 198.570.

SECTION 8. ADOPTION CLAUSE

The Board of Commissioners of the Port of Astoria hereby amends Part III of Ordinance 99-01, *An Ordinance Providing for the Control and Management of the Mooring Basin Facilities of the Port of Astoria, and Repealing Ordinance 91-02*, to add Section DD, as follows:

DD. NO BOATHOUSES. No boathouses are allowed in Port mooring basin facilities. No moorage license-agreement may be provided to any boathouses. All boathouses currently in the mooring basin facilities must be removed from the facilities within 90 days of the effective date of this ordinance. Any boathouses not so removed shall be deemed abandoned property and sold pursuant to Part II, Section G herein and ORS 87.172 - 87.206.

BOARD OF PORT COMMISSIONERS FOR
THE PORT OF ASTORIA

Effective Date: May 15, 2003

By  _____, President

APPROVED AS TO FORM: